



U.S. Citizenship
and Immigration
Services

FILE:

Office: National Benefits Center

Date:

OCT 25 2004

IN RE:

Applicant:

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director
Administrative Appeals Office

identifying data deleted to
prevent unauthorized
invasion of personal privacy

ORIGINAL COPY

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The directors concluded the applicant had not established that he had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant states:

I am an eligible alien who, before October 1, 2002, filed with the Attorney General a written claim of class membership pursuant to a court order issued in the case of: *Catholic Service Inc. vs Meese*, *League of United Latin American Citizen vs INS* or *Zambrano vs INS*.

An applicant for permanent resident status under the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (CSS), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) (Zambrano). See 8 C.F.R. § 245a.10.

The regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for class membership before October 1, 2000. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant did not submit any documents relating to class membership with his LIFE application. On rebuttal to a notice of intent to deny dated October 15, 2002, the applicant submitted a declaration dated November 12, 2002 describing his purported attempt to apply for "late amnesty in May 1993." The applicant states that on May 4, 1987, he left the United States to go to Mexico to see his mother because she was very ill and that he returned to the United States on May 25, 1987 without inspection. He further states that in May 1993, he went to the Immigration and Naturalization Service office at Soto Street to apply for late amnesty. He states that he left his complete application and his documents showing that he had lived in the United States since 1981 at that time. However, an examination of administrative and electronic data records of Citizenship and Immigration Services or CIS (formerly, the Immigration and Naturalization Service or INS) fails to indicate that the applicant had ever filed, or the agency had ever received, this application. The applicant further states that he received an appointment letter from the INS at Soto Street "On June" to go to his interview.

The applicant also submitted a letter from a [REDACTED] a neighbor, dated November 11, 2002. [REDACTED] states that on or about May 1993, he gave [REDACTED] a ride to and accompanied him to his appointment at the Service Center in the legalization Office at 1241 South Soto Street in Los Angeles,

California. [REDACTED] indicates that a male INS agent asked [REDACTED] to prove he traveled to Mexico. He explains that the officer told [REDACTED] that he was ineligible because he did not have the bus ticket to prove his trip to Mexico, took his application, and told him that he was not eligible for the program. The applicant also submits a letter from [REDACTED] his neighbor's wife in which she states that her husband gave [REDACTED] a ride to his appointment and that when the applicant returned, he was sad because the INS officer took his application but told him he was not eligible for the program.

The applicant failed to submit any of the documents provided in the illustrative list of documents provided in the regulations when the application was filed. Furthermore, he has not provided any of the recommended documentation on rebuttal or appeal. The applicant claims that he left a complete application with the INS in May 1993 and that he received an appointment letter from INS directing him to attend an interview. As indicated above, CIS has no record of receiving his application. Additionally, CIS has no record of having sent the applicant an interview notice in 1993, nor has he provided a copy of that notice for the record. There are no records within CIS relating to a request for class membership by the applicant. Given this failure to document that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.